

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

NEBRASKA DEPARTMENT
OF INSURANCE

APR 2 2001

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE,

PETITIONER,

VS.

PATRICK A. DOLAN,

RESPONDENT.

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CONSENT ORDER

FILED

CAUSE NO. A-1409

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Manuel Montelongo, and Patrick A. Dolan, ("Respondent"), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to Neb.Rev.Stat. §44-101.01 and §44-4001, et seq.

2. Respondent was licensed as an insurance agent under the laws of Nebraska at all times material hereto.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Patrick A. Dolan on July 14, 2000. A copy of the petition was served upon the Respondent at the Respondent's address registered with the Department by certified mail, return receipt requested.

2. The petition alleges that Respondent violated Neb.Rev.Stat. §44-4028 (3) and (11) as follows:

- a. On or about April 14, 1999 Respondent solicited an application for a Family Heritage Life Insurance Company of America cancer insurance policy from Judy and Emerson Reaman of Clarks, Nebraska;

- b. Approximately one month later Judy Reaman telephoned Respondent requesting health insurance from Conseco Medical Insurance Company ("Conseco");
- c. Respondent failed to submit an original application signed by the Reamans, nor a premium payment to Conseco;
- d. On or about June 7, 1999 Respondent represented to Judy Reaman that she could drop her existing health insurance coverage because the Conseco cancer insurance policy was in force; and
- e. The Reaman's submitted a claim for medical expenses to Conseco, which was denied because there was no coverage in force.

3. The Respondent was informed of his right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving his right to a public hearing, Respondent also waives his right to confrontation of witnesses, production of evidence, and judicial review.

4. Respondent admits the allegations contained in the Petition and restated in Paragraph #2 above.

CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes a violation of Neb.Rev.Stat. §44-4028 (3) and (11).

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondent, Patrick A. Dolan, that Respondent shall be placed on probation with the Department for a period of six months, and be subject to monthly reporting to the Department. Additionally, the Respondent shall pay any outstanding medical expenses incurred by Judy and Emerson Reaman that would have been covered and paid for by insurance if Respondent had properly obtained the insurance coverage the Reaman's had applied for through Respondent. Further, Respondent shall reimburse attorneys fees

and costs incurred by the Reamans in pursuing action for the payment of their uncovered medical expenses. The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling the Respondent or the Department to make application for such further orders as may be necessary.

In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his or her signature below.

Manuel Montelongo

Manuel Montelongo
Attorney for Nebraska
Department of Insurance
941 "O" Street, Suite 400
Lincoln, Nebraska 68508
(402) 471-2201

April 2, 2001
Date

Patrick A. Dolan

Patrick A. Dolan
Respondent

3-29-01

Date

Joseph S. Daly

Joseph S. Daly
Attorney for Respondent
200 Century Professional Plaza
7000 Spring Street
Omaha, Nebraska 68106

3-29-01

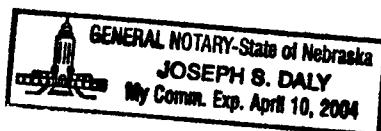
Date

State of Nebraska)

County of Lincoln)

) ss.

On this 29 day of Mar. ~~January~~, 2001, Patrick A. Dolan personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.



Joseph S. Daly
Notary Public

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. Patrick A. Dolan, Cause No. A-1409.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



L. TIM WAGNER
Director of Insurance

4/2/01

Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent at Respondent's Attorney's address of 200 Century Professional Plaza, 7000 Spring Street, Omaha, Nebraska 68106 by certified mail, return receipt requested on this 2nd day of April, ~~2000~~ ²⁰⁰¹.

